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August 17, 2006

**VIA E-FILE**

Honorable Kent A. Jordan, U.S.D.J.  
United States District Court  
844 King Street  
Lock Box 10  
Wilmington, DE 19801

Re: Joseph L. Curry v. Dover Police Department and Gregory Hopkins  
Our File No.: 19180-01660  
C.A. No.: 04-175-KAJ  
DOL: 01/13/04

Dear Judge Jordan:

On behalf of Defendant, Officer Gregory Hopkins, we have arranged for the teleconference on Plaintiff's Application to "Recommence Proceedings" tomorrow at 10:30 a.m. I am advised by the Sussex County Correction Institution that Mr. Curry will be made available at that time and we will accordingly have Mr. Curry on the line when we call the Court at the designated time. This will also confirm my telephonic request to Your Honor's Chambers this morning to have my Associate, John Macconi, Esquire, participate in the teleconference on my behalf. Mr. Macconi is aware of the factual legal issues as well as the procedural posture of the case and has authority to speak on behalf of the defense.<sup>1</sup> I understand that you have allowed Mr. Macconi to participate on my behalf.

While the defense has no objection to recommencing the proceedings which had been stayed while Mr. Curry underwent the medical treatment ordered in connection with his criminal sentencing, I am hopeful that certain procedural matters may be addressed during the call. Specifically, in reviewing the pleadings and the docket sheet, it appears that this matter was originally scheduled as a bench trial. We would request that the case be converted to a jury trial.

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<sup>1</sup> As I mentioned to Your Honor's Chambers, I am obligated to be in Superior Court of Delaware, Kent County, tomorrow morning for oral argument on dispositive motions in the matter of JNK, LLC v. Kent County Levy Court, et al., C.A. No. 06C-03-066-RBY.

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In addition, Mr. Curry referenced in his application an apparent diagnosis of "post traumatic stress disorder" which he contends is related to the force employed in his arrest by Officer Hopkins. The defense has received no medical records concerning Mr. Curry's treatment for this condition at any time. Mr. Curry has also expressed his intention to call as medical expert "Dr. Charlotte Sealig". We have received no records from Dr. Sealig and would request the right in connection with the scheduling of the trial, to both depose Dr. Sealig and have Mr. Curry examined by a defense medical expert with respect to this new "post traumatic stress disorder" diagnosis.

I am hopeful that these issues can be addressed at tomorrow's teleconference.

Thank you for your attention to this matter.

Respectfully submitted,

*/s/ Daniel A. Griffith – DE ID #4209*

DANIEL A. GRIFFITH

DAG/hr

cc: Joseph L. Curry – (via facsimile)  
Jeff Frock, St. Paul Travelers  
Claim No. GP09311302-19B002

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